

263.066384

RES/cjs

25017

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

KEITH E. YATES, as independent	)	
executor of The Estate of Geraldine T. Yates,	)	Civil Action No.
deceased,	)	Circuit Court of Cook County
Plaintiff,	)	No. 09 L 009398
	)	
v.	)	
	)	
SUNRISE SENIOR LIVING, INC., an Illinois	)	
corporation, SUNRISE SENIOR LIVING, INC.,	)	
d/b/a SUNRISE OF PALOS PARK and SUNRISE	)	
TFE ACQUISITIONS, LLC, an Illinois corporation,	)	
f/k/a SUNRISE OF PALOS PARK,	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

**NOW COME**, the Defendants, SUNRISE SENIOR LIVING, INC. and SUNRISE TFE ACQUISITIONS, LLC, by and through their attorneys, PRETZEL & STOUFFER, CHARTERED, and hereby removes this civil action, case number 09 L 9398 from the Circuit Court of Cook County, County Department, Law Division, State of Illinois, to the United States District Court for the Northern District of Illinois, Eastern Division, pursuant to 28 USC §§1441 and 1332. In support thereof, the Defendants state as follows:

1. This action was filed against the named Defendants in the Circuit Court of Cook County, County Department, Law Division, State of Illinois on AUGUST 10, 2009. A copy of the Complaint, (attached) was served upon the Defendants, SUNRISE SENIOR LIVING, INC., and SUNRISE TFE ACQUISITIONS, LLC on August 14, 2009, (attached). This notice is filed within 30 days after service of the Complaint upon these Defendants.
2. At the time the action was commenced, the independent executor, KEITH YATES, was a

citizen of the State of Illinois, residing in Alsip, Illinois.

3. At the time this action was commenced, Defendant, SUNRISE SENIOR LIVING, INC., was a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in the state of Virginia.
4. At the time this action was commenced, Defendant, SUNRISE TFE ACQUISITIONS, LLC, is a Virginia limited liability company, and had its principal place of business is in Kentucky.
5. The sole member of SUNRISE TFE ACQUISITIONS, LLC is Sunrise Second Assisted Living Holding, LLC, a Delaware limited liability company.
6. The members of Sunrise Second Assisted Living Holding, LLC are SRZ US Investments, Inc., a Delaware corporation, and Sunrise Senior Living Investments, Inc., a Virginia corporation. SRZ US Investments, Inc. has its principal place of business in Delaware, and the principal place of business for Sunrise Senior Living Investments, Inc., is Virginia.
7. The amount in controversy could exceed \$75,000.00, exclusive of interest and costs. Plaintiff contends that Defendant's alleged negligence caused her to suffer serious injuries of a personal and pecuniary nature, including, but not limited to great pain and suffering before her death, and medical expenses. Defendants believe that the complaint involves a fall, hip fracture and hip surgery. Plaintiff's attorney has prepared and signed an affidavit stating that the case value exceeds \$50,000.00. Based on this information, there is a good faith basis to assert that the amount in controversy exceeds the jurisdictional amount.
8. The United States District Courts have original jurisdiction for this civil action under 28 USC §1332.
9. This Notice of Removal is filed in the United States District Court for the Northern District of

Illinois, Eastern Division, which is the district and division in which the State action is pending.

10. The Defendants have attached to this Notice copies of process and pleadings that have been served upon it.

**WHEREFORE**, the Defendants, SUNRISE SENIOR LIVING, INC. and & SUNRISE TFE ACQUISITIONS, LLC, by and through their attorneys, PRETZEL & STOUFFER, CHARTERED, pray that this cause be removed to the United States District Court for the Northern District of Illinois.

Respectfully submitted,

/s/ Robert E. Sidkey  
PRETZEL & STOUFFER, CHARTERED  
One South Wacker Drive  
Suite 2500  
Chicago, IL 60606  
Telephone: (312) 578-7489  
Fax: (312) 346-8242  
[rsidkey@pretzel-stouffer.com](mailto:rsidkey@pretzel-stouffer.com)  
*Attorney for Defendants*

263.066384

RES/cjs

25017

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

KEITH E. YATES, as independent	)	
executor of The Estate of Geraldine T. Yates,	)	Civil Action No.
deceased,	)	Circuit Court of Cook County
Plaintiff,	)	No. 09 L 009398
	)	
v.	)	
	)	
SUNRISE SENIOR LIVING, INC., an Illinois	)	
corporation, SUNRISE SENIOR LIVING, INC.,	)	
d/b/a SUNRISE OF PALOS PARK and SUNRISE	)	
TFE ACQUISITIONS, LLC, an Illinois corporation,	)	
f/k/a SUNRISE OF PALOS PARK,	)	
	)	
Defendants.	)	

**ATTESTATION**

Robert E. Sidkey, Esq, being first duly sworn on oath, deposes and states as follows:

1. He is the attorney for the defendants/petitioners, SUNRISE SENIOR LIVING, INC., and SUNRISE TFE ACQUISITIONS, LLC in this cause.
2. He has prepared and read the Notice of Removal filed in this cause and has personal knowledge of the facts and matters contained in it; and
3. The facts and allegations contained in the Notice of Removal are true and correct to the best of his knowledge.

Respectfully submitted,

/s/Robert E. Sidkey  
PRETZEL & STOUFFER, CHARTERED  
One S. Wacker Drive  
Suite 2500  
Chicago, IL 60606  
Telephone: (312) 578-7489  
Fax: (312) 346-8242  
rsidkey@pretzel-stouffer.com  
*Attorney for Defendant*

**CERTIFICATE OF SERVICE**

A copy of the **Defendants' Notice of Removal** was filed electronically this **4th day of September, 2009**. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the court's electronic system.

**ATTORNEY FOR PLAINTIFF**

Christopher T. Theisen  
Theisen & Roche, Ltd.  
2100 Manchester Road, Suite 201  
Wheaton, IL 60187  
(630) 871-9003  
(630) 653-2525 - *fax*

Respectfully submitted,

/s/Robert E. Sidkey

PRETZEL & STOUFFER, CHARTERED  
One S. Wacker Drive  
Suite 2500  
Chicago, IL 60606  
Telephone: (312) 578-7489  
Fax: (312) 346-8242  
rsidkey@pretzel-stouffer.com  
*Attorney for Defendant*

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT - LAW DIVISION**

**KEITH E. YATES, as independent** )  
**executor of The Estate of Geraldine T. Yates,** )  
**deceased,** )  
**Plaintiff,** )  
**v.** )  
**SUNRISE SENIOR LIVING, INC., an** )  
**Illinois corporation, SUNRISE SENIOR** )  
**LIVING, INC. d/b/a SUNRISE OF PALOS** )  
**PARK and SUNRISE TFE ACQUISITIONS,** )  
**LLC, an Illinois corporation, f/k/a SUNRISE** )  
**OF PALOS PARK,** )  
**Defendants.** )

No.

2009L009398  
 CALENDAR/ROOM E  
 TIME 00:00  
 71 Other  
 DOROTHY TERRY CLERK  
 2009 AUG 10 AM 8:44  
 FILED-2

**COMPLAINT AT LAW**

NOW COMES the plaintiff, **KEITH E. YATES, as independent executor of The Estate of Geraldine T. Yates, deceased**, by attorney Christopher T. Theisen of the law firm of **THEISEN & ROCHE, LTD.** and complaining against the defendants, **SUNRISE SENIOR LIVING, INC., an Illinois corporation, SUNRISE SENIOR LIVING, INC. d/b/a SUNRISE OF PALOS PARK and SUNRISE TFE ACQUISITIONS, LLC, an Illinois corporation, f/k/a SUNRISE OF PALOS PARK**, states as follows:

**COUNT I**

**STATUTORY VIOLATION OF NURSING HOME CARE ACT**  
**Sunrise Senior Living, Inc.**

1. At all times relevant herein, defendant, Sunrise Senior Living, Inc., was a corporation which operated an assisted living facility known as Sunrise of Palos Park in Palos

Park, Illinois and which held itself out to the public as an assisted living facility which provides services and care to aging persons.

2. At all times relevant herein, there was in full force and effect, a statute known as “The Nursing Home Care Act,” as amended (the “Act”), 210 ILCS 45/1-101 et seq. and the facility operated by the defendant was a “facility” as defined by 45/1-113 of the Act and was subject to the requirements of the Act and the regulations of the Illinois Department of Public Health promulgated pursuant to the Act.

3. At all times relevant herein, the facility received payment from Medicare to provide nursing home care, treatment and related services, and was subject to the requirements of 42 USCA Section 1396r (1990) et. seq., as amended by the Omnibus Budget Reconciliation Act of 1987 (OBRA) and Volume 42, Code of Federal Regulations, part 483 setting forth Medicare and Medicaid requirements for long-term facilities (OBRA Regulations), as effective on October 1, 1990.

4. At all times herein, the facility operated by defendant was a “nursing facility” as defined by 42 USCA, Section 1396r.

5. At all times relevant herein, plaintiff’s decedent, Geraldine T. Yates, was a resident of Sunrise Senior Living, Inc., specifically including, but not limited to, October 4, 2005 to November 27, 2007.

6. Defendant, Sunrise Senior Living, Inc., was contractually responsible for providing certain health, medical and assistive services to plaintiff during the period of time that plaintiff was a resident of defendant’s facility.

7. Defendant, Sunrise Senior Living, Inc., owed a duty to the plaintiff to refrain from any acts or omissions that would cause harm, danger or risk to the health or welfare of plaintiff. Despite said duties, and in direct violation thereof, defendant, Sunrise Senior Living, Inc., through its employees, agents and servants, negligently breached said duties in one or more or all of the following ways:

- (a) failed to provide and secure appropriate services, level of service and type of service with appropriate skill to resident in violation of 210 ILCS 9/75;
- (b) failed to provide required assistance to plaintiff during a fire drill at the Sunrise of Palos Park assisted living facility;
- (c) negligently failed to assist a resident it knew or should have known had a history of or propensity for falls;
- (d) failed to follow its plan of care for its patient, Geraldine Yates, leading to her fall and serious injuries on or about November 27, 2007;
- (e) placed plaintiff on the second floor of its facility without accommodating her known risk of falling on stairs.

8. As a direct and proximate result of one or more or all of the aforementioned negligent acts or omissions of the defendant, Sunrise Senior Living, Inc., the plaintiff's decedent, Geraldine T. Yates, did suffer serious injuries of a personal and pecuniary nature including, but not limited to, great pain and suffering before her death, and medical expenses, subjecting the defendant to liability pursuant to 755 ILCS 5/27-6, commonly referred to as the Survival Act.

**WHEREFORE**, the plaintiff, **KEITH E. YATES**, as independent executor of **The Estate of Geraldine T. Yates, deceased**, prays for judgment against the defendant, **SUNRISE SENIOR LIVING, INC.**, an Illinois corporation, for violations of the Illinois Nursing Home Care Act, in an amount in excess of **FIFTY THOUSAND AND 00/100 DOLLARS**



(\$50,000.00), attorney's fees and costs pursuant to the Act, and any other such relief that this court deems equitable.

**COUNT II**

**STATUTORY VIOLATION OF NURSING HOME CARE ACT**

**Sunrise Senior Living, Inc. d/b/a Sunrise  
of Palos Park**

9. At all times relevant herein, defendant, Sunrise Senior Living, Inc. d/b/a Sunrise of Palos Park, was a corporation which operated an assisted living facility known as Sunrise of Palos Park in Palos Park, Illinois and which held itself out to the public as an assisted living facility which provides services and care to aging persons.

10. At all times relevant herein, there was in full force and effect, a statute known as "The Nursing Home Care Act," as amended (the "Act"), 210 ILCS 45/1-101 et seq. and the facility operated by the defendant was a "facility" as defined by 45/1-113 of the Act and was subject to the requirements of the Act and the regulations of the Illinois Department of Public Health promulgated pursuant to the Act.

11. At all times relevant herein, the facility received payment from Medicare to provide nursing home care, treatment and related services, and was subject to the requirements of 42 USCA Section 1396r (1990) et. seq., as amended by the Omnibus Budget Reconciliation Act of 1987 (OBRA) and Volume 42, Code of Federal Regulations, part 483 setting forth Medicare and Medicaid requirements for long-term facilities (OBRA Regulations), as effective on October 1, 1990.

12. At all times herein, the facility operated by defendant was a "nursing facility" as

defined by 42 USCA, Section 1396r.

13. At all times relevant herein, plaintiff's decedent, Geraldine T. Yates, was a resident of Sunrise Senior Living, Inc. d/b/a Sunrise of Palos Park specifically including, but not limited to, October 4, 2005 to November 27, 2007.

14. Defendant, Sunrise Senior Living, Inc. d/b/a Sunrise of Palos Park, was contractually responsible for providing certain health, medical and assistive services to plaintiff during the period of time that plaintiff was a resident of defendant's facility.

15 Defendant, Sunrise Senior Living, Inc. d/b/a Sunrise of Palos Park, owed a duty to the plaintiff to refrain from any acts or omissions that would cause harm, danger or risk to the health or welfare of plaintiff. Despite said duties, and in direct violation thereof, defendant, Sunrise Senior Living d/b/a Sunrise of Palos Park, through its employees, agents and servants, negligently breached said duties in one or more or all of the following ways:

- (a) failed to provide and secure appropriate services, level of service and type of service with appropriate skill to resident in violation of 210 ILCS 9/75;
- (b) failed to provide assistance to plaintiff during a fire drill at the Sunrise of Palos Park assisted living facility;
- (c) negligently failed to assist a resident it knew or should have known had a history of or propensity for falls;
- (d) failed to follow its plan of care for its patient, Geraldine Yates, leading to her fall and serious injuries on or about November 27, 2007;
- (e) placed plaintiff on the second floor of its facility without accommodating her known risk of falling on stairs.

16. As a direct and proximate result of one or more or all of the aforementioned negligent acts or omissions of the defendant, Sunrise Senior Living, Inc. d/b/a Sunrise of Palos

Park, the plaintiff's decedent, Geraldine T. Yates, did suffer serious injuries of a personal and pecuniary nature including, but not limited to, great pain and suffering before her death, and medical expenses, subjecting the defendant to liability pursuant to 755 ILCS 5/27-6, commonly referred to as the Survival Act.

**WHEREFORE**, the plaintiff, **KEITH E. YATES**, as independent executor of **The Estate of Geraldine T. Yates, deceased**, prays for judgment against the defendant, **SUNRISE SENIOR LIVING, INC. d/b/a SUNRISE OF PALOS PARK**, for violations of the Illinois Nursing Home Care Act, in an amount in excess of **FIFTY THOUSAND AND 00/100 DOLLARS (\$50,000.00)**, attorney's fees and costs pursuant to the Act, and any other such relief that this court deems equitable.

**COUNT III**

**STATUTORY VIOLATION OF NURSING HOME CARE ACT**  
**Sunrise TFE Acquisitions, LLC, an Illinois corporation**  
**f/k/a Sunrise of Palos Park**

17. At all times relevant herein, defendant, Sunrise TFE Acquisitions, LLC, an Illinois corporation f/k/a Sunrise of Palos Park, was a corporation which operated an assisted living facility known as Sunrise of Palos Park in Palos Park, Illinois and which held itself out to the public as an assisted living facility which provides services and care to aging persons.

18. At all times relevant herein, there was in full force and effect, a statute known as "The Nursing Home Care Act," as amended (the "Act"), 210 ILCS 45/1-101 et seq. and the facility operated by the defendant was a "facility" as defined by 45/1-113 of the Act and was subject to the requirements of the Act and the regulations of the Illinois Department of Public Health promulgated pursuant to the Act.

19. At all times relevant herein, the facility received payment from Medicare to provide nursing home care, treatment and related services, and was subject to the requirements of 42 USCA Section 1396r (1990) et. seq., as amended by the Omnibus Budget Reconciliation Act of 1987 (OBRA) and Volume 42, Code of Federal Regulations, part 483 setting forth Medicare and Medicaid requirements for long-term facilities (OBRA Regulations), as effective on October 1, 1990.

20. At all times herein, the facility operated by defendant was a “nursing facility” as defined by 42 USCA, Section 1396r.

21. At all times relevant herein, plaintiff’s decedent, Geraldine T. Yates, was a resident of Sunrise TFE Acquisitions, LLC, an Illinois corporation f/k/a Sunrise of Palos Park, specifically including, but not limited to, October 4, 2005 to November 27, 2007.

22. Defendant, Sunrise TFE Acquisitions, LLC, an Illinois corporation f/k/a Sunrise of Palos Park, was contractually responsible for providing certain health, medical and assistive services to plaintiff during the period of time that plaintiff was a resident of defendant’s facility.

23 Defendant, Sunrise TFE Acquisitions, LLC, an Illinois corporation f/k/a Sunrise of Palos Park, owed a duty to the plaintiff to refrain from any acts or omissions that would cause harm, danger or risk to the health or welfare of plaintiff. Despite said duties, and in direct violation thereof, defendant, Sunrise TFE Acquisitions, LLC, an Illinois corporation f/k/a Sunrise of Palos Park, through its employees, agents and servants, negligently breached said duties in one or more or all of the following ways:

- (a) failed to provide and secure appropriate services, level of service and type of service with appropriate skill to resident in violation of 210 ILCS 9/75;

- (b) failed to provide assistance to plaintiff during a fire drill at the Sunrise of Palos Park assisted living facility;
- (c) negligently failed to assist a resident it knew or should have known had a history of or propensity for falls;
- (d) failed to follow its plan of care for its patient, Geraldine Yates, leading to her fall and serious injuries on or about November 27, 2007;
- (e) placed plaintiff on the second floor of its facility without accommodating her known risk of falling on stairs..

16. As a direct and proximate result of one or more or all of the aforementioned negligent acts or omissions of the defendant, Sunrise TFE Acquisitions, LLC, an Illinois corporation f/k/a Sunrise of Palos Park, the plaintiff's decedent, Geraldine T. Yates, did suffer serious injuries of a personal and pecuniary nature including, but not limited to, great pain and suffering before her death, and medical expenses, subjecting the defendant to liability pursuant to 755 ILCS 5/27-6, commonly referred to as the Survival Act.

**WHEREFORE**, the plaintiff, **KEITH E. YATES**, as independent executor of The Estate of **Geraldine T. Yates**, deceased, prays for judgment against the defendant, **SUNRISE TFE ACQUISITIONS, LLC, an ILLINOIS CORPORATION f/k/a SUNRISE OF PALOS PARK**, for violations of the Illinois Nursing Home Care Act, in an amount in excess of **FIFTY THOUSAND AND 00/100 DOLLARS (\$50,000.00)**, attorney's fees and costs pursuant to the Act, and any other such relief that this court deems equitable.

Respectfully submitted

**THEISEN & ROCHE, LTD.**

By: 

Christopher T. Theisen  
Attorney for Plaintiff

**THEISEN & ROCHE, LTD.**  
Attorneys for Plaintiff  
2100 Manchester Road, Suite 201  
Wheaton, IL 60187  
(630) 871-9003 - PHONE  
(630) 653-2525 - FAX  
Atty. No. 41589

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT - LAW DIVISION

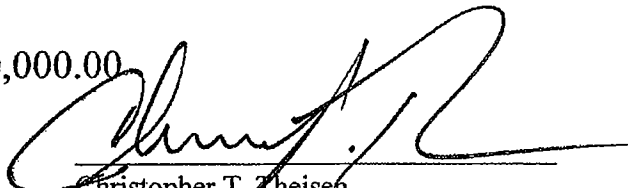
KEITH E. YATES, as independent	)	
executor of The Estate of Geraldine T. Yates,	)	
deceased,	)	
	)	
Plaintiff,	)	No.
	)	
v.	)	
	)	
SUNRISE SENIOR LIVING, INC., an	)	
Illinois corporation, SUNRISE SENIOR	)	
LIVING, INC. d/b/a SUNRISE OF PALOS	)	
PARK and SUNRISE TFE ACQUISITIONS,	)	
LLC, an Illinois corporation, f/k/a SUNRISE	)	
OF PALOS PARK,	)	
	)	
Defendants.	)	

AFFIDAVIT OF DAMAGES  
SUPREME COURT RULE 222

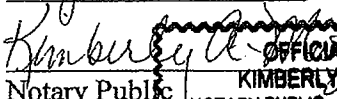
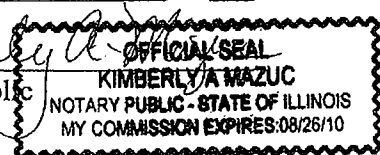
The undersigned being first duly sworn upon oath, deposes and states that he is the attorney for Plaintiffs to the above entitled cause of action seeking money damages or collection of taxes and that this cause of action.

☐ does not exceed \$50,000.00

☒ does exceed \$50,000.00

  
Christopher T. Theisen  
Attorney for Plaintiff

Sworn and subscribed to before  
me this 5<sup>th</sup> day of  
August, 2009.

  
Notary Public  
  
KIMBERLY A MAZUC  
NOTARY PUBLIC - STATE OF ILLINOIS  
MY COMMISSION EXPIRES: 08/26/10

Aug. 20. 2009 5:29PM Ventas Inc.

No. 3439 P. 4/16


**Service of Process  
Transmittal**

08/14/2009

CT Log Number 515288722



**TO:** T. Richard Riney  
Ventas, Inc.  
Ormsby Two Office Building, Forest Green Corporate Office Park  
10350 Ormsby Place, Suite 300  
Louisville, KY 40223

**RE:** Process Served in Illinois

**FOR:** Sunrise TFE Acquisitions, L.L.C. (Domestic State: VA)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Keith E. Yates, as independent executor of The Estate of Geraldine T. Yates, deceased, Plff. vs. Sunrise Senior Living, Inc., etc., et al. including Sunrise TFE Acquisitions, LLC, etc., Dfts.  
*Name discrepancy noted.*

**DOCUMENT(S) SERVED:** Summons (2 sets), Complaint, Affidavit(s)

**COURT/AGENCY:** Cook County Circuit Court - County Department - Law Division, IL  
Case # 2009L009398

**NATURE OF ACTION:** Wrongful Death - Failure to Maintain Premises in a Safe Condition - On or about 11/27/07 - Sunrise of Palos Park, Palos Park - Failure to provide assistance, provide and secure appropriate services

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Chicago, IL

**DATE AND HOUR OF SERVICE:** By Process Server on 08/14/2009 at 09:25

**APPEARANCE OR ANSWER DUE:** Within 30 days after service, not counting the day of service

**ATTORNEY(S) / SENDER(S):** Christopher T. Theisen  
Theisen & Roche, Ltd.  
2100 Manchester Road  
Suite 201  
Wheaton, IL 60187  
630-871-9003

**ACTION ITEMS:** SOP Papers with Transmittal, via Fed Ex 2 Day , 792802588349

**SIGNED:** C T Corporation System  
**PER:** Jill Duffy-Baricovich  
**ADDRESS:** 208 South LaSalle Street  
Suite 814  
Chicago, IL 60604  
**TELEPHONE:** 312-345-4336



Aug. 20. 2009 5:29PM Ventas Inc.

No. 3439 P. 5/16

8/14/09  
929AM

2120 - Served                      2121 - Served  
 2220 - Not Served                2221 - Not Served  
 2320 - Served By Mail            2321 - Served By Mail  
 2420 - Served By Publication    2421 - Served By Publication  
 SUMMONS                          ALIAS - SUMMONS

(8/01/08) CCG N001

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
 COUNTY DEPARTMENT, \_\_\_\_\_ LAW \_\_\_\_\_ DIVISION

No. \_\_\_\_\_

KEITH E. YATES, as independent executor, et al.,  
 \_\_\_\_\_  
 (Name all parties)

v.

SUNRISE SENIOR LIVING, et al.,  
 \_\_\_\_\_

2009L009398  
 CALENDAR/ROOM E  
 TIME 00:00  
 PI Other

## SUMMONS

To each Defendant:

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the Office of the Clerk of this Court at the following location:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Richard J. Daley Center, 50 W. Washington, Room _____ 801 _____, Chicago, Illinois 60602 |   |
| <input type="checkbox"/> District 2 - Skokie<br>5600 Old Orchard Rd.<br>Skokie, IL 60077                                     | <input type="checkbox"/> District 3 - Rolling Meadows<br>2121 Euclid<br>Rolling Meadows, IL 60008 |
| <input type="checkbox"/> District 4 - Maywood<br>1500 Maybrook Ave.<br>Maywood, IL 60153                                     |   |
| <input type="checkbox"/> District 5 - Bridgeview<br>10220 S. 76th Ave.<br>Bridgeview, IL 60455                               | <input type="checkbox"/> District 6 - Markham<br>16501 S. Kedzie Pkwy.<br>Markham, IL 60426       |
| <input type="checkbox"/> Child Support<br>28 North Clark St., Room 200<br>Chicago, Illinois 60602                            |   |

You must file within 30 days after service of this Summons, not counting the day of service.

IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF REQUESTED IN THE COMPLAINT.

To the officer:

This Summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this Summons shall be returned so endorsed. This Summons may not be served later than 30 days after its date.

Atty. No.: 41598

Name: Christopher T. Theisen, Theisen &amp; Roche, Ltd.

Atty. for: Plaintiff

Address: 2100 Manchester Road, Suite 201

City/State/Zip: Wheaton, IL 60187

Telephone: (630) 871-9003

WITNESS, \_\_\_\_\_

AUG 10 2009

DOROTHY BROWN  
CLERK OF CIRCUIT COURT

Clerk of Court

Date of service: \_\_\_\_\_

(To be inserted by officer on copy left with defendant or other person)

Service by Facsimile Transmission will be accepted at: \_\_\_\_\_

(Area Code) (Facsimile Telephone Number)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Aug. 20. 2009 5:30PM Ventas Inc.

No. 3439 P. 6/16

**Keith E. Yates, et al.**  
**v. Sunrise Senior Living, et al.**

## **SERVICE LIST**

**SUNRISE SENIOR LIVING, INC.**  
c/o CT Corporation System (registered agent)  
208 South LaSalle Street, Suite 814  
Chicago, IL 60604

**SUNRISE SENIOR LIVING, INC.**  
**d/b/a SUNRISE OF PALOS PARK**  
c/o CT Corporation System (registered agent)  
208 South LaSalle Street, Suite 814  
Chicago, IL 60604

**SUNRISE TFE ACQUISITIONS, LLC**  
**f/k/a SUNRISE OF PALOS PARK**  
c/o CT Corporation System (registered agent)  
208 South LaSalle Street, Suite 814  
Chicago, IL 60604



**Service of Process  
Transmittal**

08/14/2009

CT Log Number 515288526



**TO:** Kim Wilburn  
Sunrise Senior Living, Inc.  
7902 Westpark Drive, Legal Department  
McLean, VA 22102

**RE: Process Served in Illinois**

**FOR:** Sunrise Senior Living, Inc. (Domestic State: DE)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Keith E. Yates, as independent executor of The Estate of Geraldine T. Yates, deceased, Pltf. vs. Sunrise Senior Living, Inc., etc., et al., Dfts.

**DOCUMENT(S) SERVED:** Summons (2 sets), Complaint, Affidavit(s)

**COURT/AGENCY:** Cook County Circuit Court - County Department - Law Division, IL  
Case # 2009L009398

**NATURE OF ACTION:** Wrongful Death - Failure to Maintain Premises in a Safe Condition - On or about 11/27/07 - Sunrise of Palos Park, Palos Park - Failure to provide assistance, provide and secure appropriate services

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Chicago, IL

**DATE AND HOUR OF SERVICE:** By Process Server on 08/14/2009 at 09:25

**APPEARANCE OR ANSWER DUE:** Within 30 days after service, not counting the day of service

**ATTORNEY(S) / SENDER(S):** Christopher T. Theisen  
Theisen & Roche, Ltd.  
2100 Manchester Road  
Suite 201  
Wheaton, IL 60187  
630-871-9003

**ACTION ITEMS:** SOP Papers with Transmittal, via Fed Ex 2 Day , 799426271118  
Image SOP  
Email Notification, Kim Wilburn kimberly.wilburn@sunriseseniorliving.com  
Email Notification, Helen Wilson helen.wilson@sunriseseniorliving.com

**SIGNED:** C T Corporation System  
**PER:** Jill Duffy-Barilovich  
**ADDRESS:** 208 South LaSalle Street  
Suite 814  
Chicago, IL 60604  
**TELEPHONE:** 312-345-4336

8/14/09  
925AM

2120 - Served	2121 - Served
2220 - Not Served	2221 - Not Served
2320 - Served By Mail	2321 - Served By Mail
2420 - Served By Publication	2421 - Served By Publication
SUMMONS	ALIAS - SUMMONS

(8/01/08) CCG N001

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, \_\_\_\_\_ LAW \_\_\_\_\_ DIVISION

No. \_\_\_\_\_

KEITH E. YATES, as independent executor, et al.,  
(Name all parties)

v.

SUNRISE SENIOR LIVING, et al.,

2009L009395  
CALENDAR/ROOM E  
TIME 00:00  
PI Other

## SUMMONS

To each Defendant:

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the Office of the Clerk of this Court at the following location:

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Richard J. Daley Center, 50 W. Washington, Room <u>801</u> , Chicago, Illinois 60602 |   |   |
| <input type="checkbox"/> District 2 - Skokie<br>5600 Old Orchard Rd.<br>Skokie, IL 60077                                 | <input type="checkbox"/> District 3 - Rolling Meadows<br>2121 Euclid<br>Rolling Meadows, IL 60008 | <input type="checkbox"/> District 4 - Maywood<br>1500 Maybrook Ave.<br>Maywood, IL 60153          |
| <input type="checkbox"/> District 5 - Bridgeview<br>10220 S. 76th Ave.<br>Bridgeview, IL 60455                           | <input type="checkbox"/> District 6 - Markham<br>16501 S. Kedzie Pkwy.<br>Markham, IL 60426       | <input type="checkbox"/> Child Support<br>28 North Clark St., Room 200<br>Chicago, Illinois 60602 |

You must file within 30 days after service of this Summons, not counting the day of service.

IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF REQUESTED IN THE COMPLAINT.

To the officer:

This Summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this Summons shall be returned so endorsed. This Summons may not be served later than 30 days after its date.

AUG 10 2009

Atty. No.: 41598

WITNESS, \_\_\_\_\_

Name: Christopher T. Theisen, Theisen &amp; Roche, Ltd.

Atty. for: Plaintiff

Address: 2100 Manchester Road, Suite 201

City/State/Zip: Wheaton, IL 60187

Telephone: (630) 871-9003

Clerk of Court

Date of service: \_\_\_\_\_  
(To be inserted by officer on copy left with defendant or other person)

Service by Facsimile Transmission will be accepted at: \_\_\_\_\_

(Area Code) (Facsimile Telephone Number)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

**Keith E. Yates, et al.**  
**v. Sunrise Senior Living, et al.**

## **SERVICE LIST**

**SUNRISE SENIOR LIVING, INC.**  
c/o CT Corporation System (registered agent)  
208 South LaSalle Street, Suite 814  
Chicago, IL 60604

**SUNRISE SENIOR LIVING, INC.**  
**d/b/a SUNRISE OF PALOS PARK**  
c/o CT Corporation System (registered agent)  
208 South LaSalle Street, Suite 814  
Chicago, IL 60604

**SUNRISE TFE ACQUISITIONS, LLC**  
**f/k/a SUNRISE OF PALOS PARK**  
c/o CT Corporation System (registered agent)  
208 South LaSalle Street, Suite 814  
Chicago, IL 60604

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT - LAW DIVISION

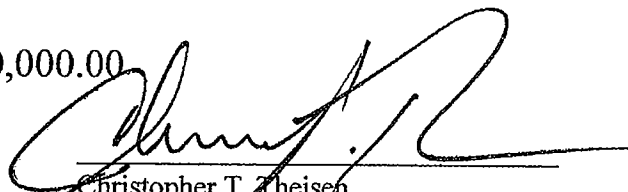
KEITH E. YATES, as independent )  
executor of The Estate of Geraldine T. Yates, )  
deceased, )  
Plaintiff, ) No.  
v. )  
SUNRISE SENIOR LIVING, INC., an )  
Illinois corporation, SUNRISE SENIOR )  
LIVING, INC. d/b/a SUNRISE OF PALOS )  
PARK and SUNRISE TFE ACQUISITIONS, )  
LLC, an Illinois corporation, f/k/a SUNRISE )  
OF PALOS PARK, )  
Defendants. )

AFFIDAVIT OF DAMAGES  
SUPREME COURT RULE 222

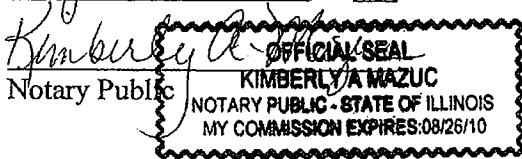
The undersigned being first duly sworn upon oath, deposes  
and states that he is the attorney for Plaintiffs to the above  
entitled cause of action seeking money damages or collection  
of taxes and that this cause of action.

☐ does not exceed \$50,000.00

☒ does exceed \$50,000.00

  
Christopher T. Theisen  
Attorney for Plaintiff

Sworn and subscribed to before  
me this 5<sup>th</sup> day of  
August, 2009.

  
Notary Public  
OFFICIAL SEAL  
KIMBERLY A. MAZUC  
NOTARY PUBLIC - STATE OF ILLINOIS  
MY COMMISSION EXPIRES: 08/26/10